

### **REMARKS**

Applicant thanks the Examiner for the courtesy extended during the interview of April 10, 2007.

Claims 14-16 were rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Application No. 2005/0170527 to Boehringer et al. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Boehringer et al. in view of U.S. Patent Application No. 2004/0018637 to Polito et al. Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Boehringer et al. in view of U.S. Patent Application No. 2003/0162236 to Harris et al. Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Boehringer et al. in view of U.S. Patent Application No. 2005/0196875 to Blatt et al.

As discussed during the interview, it is believed that the present amendments more clearly define the presently pending claims from the cited art. For example, none of the cited references teach or suggest the amount of the analyte within a test sample being determined from a competitive signal, and at least one of a first detection signal and a second detection signal. As stated in the Interview Summary, Boehringer et al. does not use the signal produced in the barrier zone in order to determine the amount of analyte in the test sample.

It is thus believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner DiRamio is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Appl. No. 10/718,997  
Amdt. Dated May 7, 2006  
Reply to Non-Compliant Notice of 4-30-2007 and Office Action of 1-12-2007

Please charge any additional fees required by this Response to Deposit Account  
No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Neil M. Batavia', written over a horizontal line.

Neil M. Batavia  
Registration No. 54,599

DORITY & MANNING, P.A.  
P. O. Box 1449  
Greenville, SC 29602-1449  
Phone: (864) 271-1592  
Facsimile: (864) 233-7342

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